

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

SEPTEMBER 1996 SESSION

<p>FILED</p> <p>October 17, 1996</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

<p>STATE OF TENNESSEE,</p> <p style="padding-left: 40px;">Appellee,</p> <p>V.</p> <p>ROBERT F. ODOM,</p> <p style="padding-left: 40px;">Appellant.</p>	<p>)</p> <p>) C.C.A. No. 01C01-9512-CR-00427</p> <p>)</p> <p>) Davidson County</p> <p>)</p> <p>) Honorable Seth Norman, Judge</p> <p>)</p> <p>) (Habeas Corpus Denial)</p> <p>)</p> <p>)</p>
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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
 Judge

OPINION

The appellant petitioned for habeas corpus relief. He alleged that his sentence had expired. As can be gleaned from the record, he was sentenced to nine years in 1986. He was paroled in 1989. He violated his parole and was returned to custody in 1992. He was re-paroled in 1993. He again violated his parole and was taken into custody in 1994. The parole board refused to provide the appellant credit for "street time," due to his parole violations, and recalculated his sentence.¹

The trial judge found that "[t]he basis of the petition is the computation of time and credits due the petitioner. . . [which] is a matter that is covered by the Uniform Administrative Procedures Act (APA)." Accordingly, the trial judge found that habeas corpus was not the proper vehicle for the appellant's attack and denied the petition. Upon review, we find no error of law mandating reversal. The trial judge decision is affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

PAUL G. SUMMERS, Judge

CONCUR:

GARY R. WADE, Judge

L. T. LAFFERTY, Special Judge

¹The parole board added back 181 days and 1,199 days. Accordingly, it appears from the face of the judgment and the record that the sentence has not expired. See Littleton v. State, No. 01C01-9405-CC-00168, slip op. 2 (Tenn. Crim. App. March 03, 1995) (citing Archer v. State, 851 S.W.2d 157, 164 (Tenn. 1993) for proposition that habeas corpus relief only available when it appears upon face of judgment or record that sentence has expired).